

Application No.: 10/671,866Docket No.: 1013-028**REMARKS**

The indication of claims 3, 4, 6, 14 and 18 containing allowable subject matter is noted. To this end, claim 1 as originally written has separately combined with claims 3 and 4, and claims 11 and 18 have been combined. Claim 14 has been cancelled as a result of claims 1 and 18 being combined. Withdrawn claims 2, 16, 17 and 20-22 have been cancelled to expedite prosecution.

Claims 6 and 8-10 have been amended so they now depend on claim 4, so that the rejections of claims 6 and 8-10 on 35 U.S.C. §112, paragraph 2, have been obviated.

Claim 1 has been cancelled and rewritten as claim 24. Claim 24 distinguishes over the previously applied art, Werts (U.S. Patent No. 2,510,356), previously relied on to reject claims 1, 5, 11-13, 15, 19 and 23, as well as being relied on in combination with Coleman (U.S Patent No. 5,807,105), to reject claim 7. New claim 24 also distinguishes over the combination of Werks and Kriesel (U.S. Patent No. 6,095,491) relied upon to reject claims 8-10.

Claim 24 distinguishes over the references by requiring the whole diameter of at least one hole to always face the outlet. In Werks, the only applied reference that is pertinent to this limitation, holes 53-57 in plate 51 are sequentially in front of outlet 47<sup>a</sup>, in response to rotation of shaft 52. However, the spacing between holes 53-57 is such that as disk 51 is rotated about the axis of shaft 52, a portion of each of holes 53-57 does not face outlet 47<sup>a</sup>. Instead, the region of plate 51 between adjacent pairs of holes 53 and 54 blocks fluid from flowing to outlet 47<sup>a</sup>, prior to all of hole 54 facing outlet 47<sup>a</sup>. The arrangement of claim 24 enables fluid to flow to the outlet without interruption even during rotation of the disk, to provide gradual adjustment of flow rate from the inlet to the outlet as a function of the diameter of the holes and/or density of the holes facing the outlet.

Application No.: 10/671,866

Docket No.: 1013-028

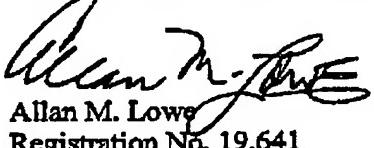
New claims 25 and 26 depend on claim 24, and are allowable therewith. In addition, new claim 25 includes limitations similar to those of claim 3 as originally submitted, and which has been indicated as containing allowable subject matter. New claim 26 is similar to claim 5, as originally submitted, and defines structure which assists in providing the result defined in claim 24.

In view of the foregoing amendments and remarks, favorable reconsideration and allowance are respectfully requested and deemed in order.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN & BERNER, LLP



Allan M. Lowe  
Registration No. 19,641

Customer Number: 22429  
1700 Diagonal Road, Suite 300  
Alexandria, Virginia 22314  
(703) 684-1111  
(703) 518-5499 Facsimile

Date: November 14, 2005

AML/dll